

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Roger Cleo Martin,	)	
Plaintiff,	)	
	)	No. 1:16-cv-1314
-v-	)	
	)	HONORABLE PAUL L. MALONEY
Cheryl Simpson & Shannon Stone,	)	
Defendants.	)	
_____	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On November 9, 2016 Plaintiff Roger Martin filed this suit under 42 U.S.C. § 1983, claiming that the conditions of his confinement at the Osceola County Jail violated his Eighth Amendment rights. After protracted discovery and motion practice, the magistrate judge issued a Report and Recommendation, concluding that summary judgment was warranted as to the claims against all three Defendants (Russ Wayne, Cheryl Simpson, and Shannon Stone). (ECF No. 111.) After the R & R issued, Plaintiff settled his claims with Defendant Wayne, and he was thus dismissed from the action.

Despite the magistrate judge's recommendation that Defendants Simpson and Stone be dismissed, they filed objections to the Report and Recommendation to preserve their other arguments that the magistrate judge did not reach. (ECF Nos. 114; 115). However, Plaintiff Martin has not filed any objections to the R & R.

Accordingly, having received no objections to the conclusion that summary judgment is warranted as to both Simpson and Stone, the R & R is thus **ADOPTED** as the Opinion

of the Court, the motions for summary judgment (ECF Nos. 83; 86) are **GRANTED**, and Plaintiff's Amended Complaint (ECF No. 44) is **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

**JUDGMENT TO FOLLOW.**

**Date:** June 26, 2019

/s/ Paul L. Maloney

Paul L. Maloney

United States District Judge